

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3758 of 1999
with
CIVIL APPLICATION NO. 2660 OF 2002 IN
SPECIAL CIVIL APPLICATION NO. 3758 OF 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
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ROOPSINGH VAGHJIBHAI RATHOD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3758 of 1999
MR GR MALHOTRA for Petitioner No. 1
RULE SERVED for Respondent No. 1-2
MR HARDIK C RAWAL for Respondent No. 3
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 05/04/2002

ORAL JUDGEMENT

Heard learned advocate Mr. Malhotra for the

petitioner and Mr. H.C. Raval for the respondent Corporation.

By way of this petition, the petitioner has prayed for declaration that the action of the respondents in withholding the amount of Provident Fund and Gratuity due to the petitioner is illegal and has also prayed for directing the respondents to release the said amount to the petitioners with 21 per cent interest from due date till the actual payment of such amount.

During the course of hearing, learned advocate Mr. Raval for the corporation has submitted that the petitioner has challenged the termination order before the Civil Court at Rajkot and yet the ST Corporation has paid the amount of Provident Fund of Rs.90,919.00 to the petitioner on 10th August, 1999 by Account Payee Cheque No. 1226016 and the amount of gratuity has already been calculated which comes to Rs.46555.00 on 6th August, 1999 and the corporation is prepared to make payment of the said amount if the petitioner comes to collect the same. He has submitted that the information to that effect has been conveyed to the petitioner long ago by the corporation.

Learned advocate Mr. Malhotra appearing for the petitioner has submitted that till this date the petitioner has not received the said amount. He has further submitted that in view of the statement made by Mr. Raval, the petitioner will approach the authority and will collect the amounts in question. He has also submitted that the petitioner is also entitled to claim interest on the delayed payment of such amounts.

In view of the above statement made by Mr. Raval, nothing is now surviving in this petition and therefore, this petition is disposed of accordingly with a liberty in favour of the petitioner to file mere note in the registry of this Court for revival of this petition in case of difficulty. Rule is discharged with no order as to costs. As regards the claim of Mr. Malhotra that the petitioner is entitled to claim interest on delayed payment of such amounts, it is open for the petitioner to make appropriate representation before the respondent Corporation. As and when such representation is received by the respondent corporation, same shall be decided by the corporation in accordance with law within some reasonable period.

In view of the above order passed by this Court in the main petition, civil application no. 2660 of 2002

shall not survive. Same is, therefore, disposed of as not surviving with no order as to costs.

5.4.2002. (H.K. Rathod, J.)

Vyas